

09/657,497
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Atty Dkt: JP92000171US1
Reply A

REMARKS

1. Status of the Application. This is a reply to the first Office action. In the first Office action the pending claims of the application, claims 1 - 28, were all rejected for specific reasons discussed herein below. Amendments to the claims are responsively submitted herein to overcome the rejections, as is also discussed herein below. Specifically, claims 1, 2, 4-6, 8-10, 13-16, 18, 21, 22 and 24 are amended and claims 3, 7, 12, 17, 20 and 26-28 are canceled.

2. Specification. Applicant herein amends the indicated paragraph on page 7 to correct the reference therein to Figs. 12A through 12E, instead of through 12D.

3. Support for Amendments to the Claims. In response to the rejections in the Office action the claims are amended herein. The significance of the changes as they relate to the specific rejections is discussed further herein below. First, however, support for the changes to the claims is discussed immediately below. No new matter is added.

Support is apparent on the face of the claims for those changes to the claims that are merely to correct matters of form, such as to correct improper antecedent basis or indefiniteness as discussed in the section immediately below regarding claim rejections under 35 USC 112. Changes to the claims that are not merely matters of form are supported in the application as follows.

Claims 1 and 6 now refer to a *system* for a build and operate program. The term "system" is herein substituted for "framework," since "system" is more commonly understood to include apparatus in accordance with patent law. Claims 1 and 6 now state that the system for the build and operate program comprises *information technology for executing the build and operate program*. Claim 10 now states that executing the program includes building and operating information technology and states that executing a build process includes building information technology and executing an operate process includes operating information technology. Claims 15, 21, 22 and 24, as amended, now have similar terminology. The term "Information Technology" is used in the claims as a convenient way of referring to systems including computer systems or telecommunications equipment or a combination thereof, including both hardware and software, and is a well-understood term. See, e.g., www.foldoc.org definition for "Information Technology" ("Applied computer systems - both hardware and software, and often including networking and telecommunications, usually in the context of a business or other enterprise.") Support for this

09/657,497
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Atty Dkt: JP92000171US1
Reply A

language is found throughout the specification. See, e.g., page 1, line 27-page 2, line 2 ("A further example of a program is providing technology . . . The program involves building and operating the Olympic Games technology . . . Component projects can, for example, relate to building and operating information technology infrastructure, computer application systems, and telecommunications systems . . . and defining the processes for the collection and dissemination of results information . . ."); page 2, line 30-page 3, line 1 ("An example of a process methodology is the Capability Maturity Model (CMM) . . . The focus of CMM is the build phase of software engineering projects."); page 12, line 20-page 13, line 2 ("To place the size of the program . . . in perspective . . . In terms of computing and telecommunications resources, 80 IBM MQ series servers and 3 IBM S/390 mainframes are deployed. Additionally, there will be 17,000 desktop and portable computing devices in use, as well as numerous other peripheral devices such as printers, validators and displays. An estimated 13 million lines of program code was written to implement all the necessary applications."); page 38, lines 1 and 2 ("Once the . . . framework has been established, it is traversed to execute the program.").

Claims 1 and 6 now also state that the information technology includes data representing i) inputs and outputs for ones of said processes and ii) a plurality of links associated with respective ones of the inputs and outputs, and further states that the links provide connections linking outputs from ones of said build, operate and management processes to inputs of respective other ones of the build, operate or management processes. Support for this language is also found throughout the specification. See, e.g., page 10, lines 3-11 (describing FIG. 4 regarding inputs, outputs and links); claim 3 (regarding links as representations); page 18, Table 3 (build and operate processes include data); page 23, lines 12-15 (describing process of FIG. 8 having PAD output shown in FIG. 9); page 38, line 28-page 39, line 4 (activities are entered into a scheduling tool).

Independent claims 1, 6, 10, 15, 21, 22 and 24 are amended herein to state that selected sets of sequentially-linked ones of the processes, which are designated as respective "process streams," are assigned to selected project teams. Planning milestones are designated for ones of the outputs having links spanning across two or more of these process streams. Support for this feature is found at page 38, line 1, through page 39, line 13, of the original specification, which is set out on pages 14 and 15 herein below.

4. Claim Rejections Under 35 USC 112.

The Office action indicates "said link" in claim 1, originally at line 7, lacks clear antecedent basis, and that "formed as . . . that form . . ." in claim 1, originally at lines 5-6, is

09/657,497
Filed 09/08/2000

Atty Dkt: JP92000171US1
Reply A

unclear language. As Applicant understands the rejection, "said link" was considered to lack clear antecedent basis because "said" refers to a plurality of links. Applicant has accordingly amended "said link" to "such a link." With regard to this issue, "a plurality of links formed as outputs from said build, operate and management processes that form inputs to one or more other build, operate or management processes" has been amended to read - - a plurality of data structures for processing by the information technology, including inputs and outputs of said build, operate and management processes and links associated with respective ones of the inputs and outputs, wherein the links provide connections linking outputs from ones of said build, operate and management processes to inputs of respective other ones of the build, operate or management processes - - so that the claim is now more definite and clear. Similar rejections were made for claims 6, 10, 15 and 21 and amendments in this regard similar to that of claim 1 are herein submitted for these claims as well.

The Office action indicates "so far as the outputs represented by the links are concerned" in claim 3, lines 3- 4 is vague. With regard to this issue, "wherein links spanning across two or more process streams form planning milestones so far as the outputs represented by the link are concerned link so far as the outputs represented by the link are concerned" has been amended to read - - at least one of the links spans across two or more of the process streams, wherein such a link spanning across two or more of the process streams provides a planning milestone for the at least one output associated with the link - - so that the claim is now more definite and clear. Similar rejections were made to claims 7, 12, 17 and amendments in this regard similar to that of claim 3 are herein submitted for these claims as well.

The Office action indicates "the course" in claim 15, line 8 lacks clear antecedent basis. With regard to this issue, "allowing a link to be traversed from output to input in the course of executing the program only if exit conditions associated with it are satisfied" has been amended to read - - associating exit conditions with the respective links . . . executing the program, including traversing the links from their respective outputs to their respective inputs, wherein a respective one of the links is traversed only if the link's exit conditions are satisfied - -, so that there is now clear antecedent basis. A similar rejection was made to claim 21 and an amendment in this regard similar to that of claim 15 is herein submitted for this claim as well.

09/657,497
Filed 09/08/2000

Atty Dkt: JP92000171US1
Reply A

The Office action indicates "precedesaid" in claim 16, line 1 should be two separate words. This is corrected in an amendment herein above.

The Office action indicates "each" in claim 22, original line 6, is unclear, because is unclear if "each" refers to "process" or "link." The claim is herein amended to clearly set out that such a link is traversable only if certain exit conditions are satisfied, i.e., the exit conditions associated with the link.

The Office action indicates "each said process" and "said processes" in claim 24, original lines 9 and 10, respectively lack clear antecedent basis. The claim is herein amended to clearly set out that exit criteria is defined for one or more of the processes that immediately precede the certain one or more processes for which requirements were determined in step c). The amendment further clarifies that the exit criteria for such a process must be satisfied before any link between the process and another one of the processes can be traversed.

5. Claim Rejections Under 35 USC 101. The claims stand rejected under 35 USC 101 as being drawn to non-statutory subject matter on the basis that the steps of the claims represent mere ideas in the abstract. It was also pointed out that the claims describe an invention that meets the test for statutory subject matter with regard to producing a useful, concrete and tangible result, but not with regard to being within the technological arts. Independent claims 1, 6, 10, 15, 21, 22, 24 and 26 have accordingly been amended to particularly point out aspects of the invention within the technological arts in order to meet the test for statutory subject matter and thereby overcome the rejection.

The amended independent claims now state an invention in the technological arts. In particular, amended claim 1, for example, states that a system for a build and operate program comprises information technology for executing the build and operate program and data structures for processing by the information technology. Claim 6, as now amended, also sets out a system having limitations regarding information technology and data structures. As discussed above in connection the explanation of support for the amendments, the term "information technology" here refers to systems including computer systems or telecommunications equipment or a combination thereof, including both hardware and software. For the independent system claims 1 and 6, and their respective dependent claims 2-5 and 7-9, inclusion of these

09/657,497
Filed 09/08/2000

Atty Dkt: JP92000171US1
Reply A

limitations brings the claimed invention within the scope of 35 USC 101 by limiting the invention to within the technological arts.

The amended independent method claims 10, 15, 20, 21, 22, 24 and 26 now indicate that executing a build and operate program includes building and operating information technology, and the amended claims state that executing a build process and an operate process includes, respectively, building and operating information technology. For these independent method claims and their respective dependent claims 11-14, 16-19, 23, 25 and 27-28, inclusion of these limitations brings the claimed invention within the scope of 35 USC 101 by limiting the invention to within the technological arts.

6. Claim Rejections Under 35 USC 103.

Claims 1, 2, 5, 10, 11, 14-16, 19, 22 and 23 stand rejected under 35 USC 103(a) as being unpatentable over "A Guide to the Project Management Body of Knowledge," by William R. Duncan ("Duncan") in view of US Patent 6,032,124 to Saito et al. ("Saito").

Claims 3, 4, 12, 13, 17 and 18 stand rejected under 35 USC 103(a) as being unpatentable over Duncan in view of Saito, and further in view of US Patent 6,381,610 to Gundewar et al. ("Gundewar").

Claims 20, 24 and 25 stand rejected under 35 USC 103(a) as being unpatentable over Duncan in view of Saito, and further in view of Smirnov.

Claim 28 stands rejected under 35 USC 103(a) as being unpatentable over Smirnov in view of Saito.

Claims 6, 9 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Duncan in view of Saito, and further in view of US Patent 6,289,348 to Richard et al. ("Richard").

Claims 7 and 8 stand rejected under 35 USC 103(a) as being unpatentable over the combination of Duncan, Saito, Richard and Gundewar.

According to the present application:

"Once the program framework has been established, it is traversed to execute the program. An essential function of program management is Schedule Control. When all outputs have been defined, process owners are required to *translate process outputs into a time schedule*. In this way *time dependencies of the completion of each process can be identified*. The use of task activity charts, and the like, is well known, however, *the present invention takes the approach of*

09/657,497
Filed 09/08/2000

Atty Dkt: JP92000171US1
Reply A

identifying a subset of all task activities (specifically those that equate to the output of each process) and allocating milestones to process outputs that cut-across defined process streams. For Schedule control within a project, an activity in the project Schedule is only completed when it satisfies the pre-defined exit criteria. For Schedule control across projects, *milestones* are used. Milestones are groups of outputs produced by a Project Team, that are inputs to processes owned by other Project Teams. Milestones then represent the key dependencies between Project Teams, and are the primary Schedule control tool at a program level.

Consider again Fig. 8, which identifies the following *process streams*:

- (i) Workforce/training
- (ii) Process
- (iii) Testing/SW Control & Distribution
- (iv) Venues/Infrastructure/Device Configuration & Logistics/Operations
- (v) Application Development

Process streams are a string of processes typically assigned to a single Project Team. *Where there is a link spanning one or more process streams, a milestone is defined to represent a dependency between Project Teams.* Fig. 8 shows such milestones, indicated as Mn.

The activities and milestones can be entered into a suitable scheduling tool, such as the Primavera Project Planner where there are assigned start and end dates and owners. On complex programs, the scheduling tool needs to be able to produce multiple views of activities and milestones. For Project Managers it needs to conveniently list the outputs (e.g. deliverables or services) and the resources required to produce them. For Program Managers the tool needs to list the milestones each project team is responsible for, together with the associated deliverables.

There is considerable advantage to forming a connection between significant process outputs and milestones in time. Firstly, attaching deliverables to milestones removes any ambiguity regarding whether a milestone has been achieved. Second, it identifies major cross-team dependencies, which will have a major cross-team impact in the event of schedule slippage. Additionally, being at a higher level than tasks/activities, it is easier for Program Managers to conduct a meaningful review of progress without having to become involved in the inner workings of individual project teams.

Page 38, line 1-page 39, line 13 (emphasis added).

In accordance with the above described features and advantages of the present invention, independent claims 1, 6, 10, 15, 21, 22 and 24 are amended herein to particularly point out that selected sets of sequentially- linked ones of the processes, which are designated as respective process streams, are assigned to selected project teams. This feature relates to the claimed aspect of the invention which states that milestones are designated for ones of the outputs having links spanning across two or more of the process streams. That is, as recited above, the present

09/657,497
Filed 09/08/2000

Atty Dkt: JP92000171US1
Reply A

application indicates that milestones are groups of outputs produced by a project team that are inputs to processes owned by other project teams. With the amended language of the claims, these features are more particularly pointed out, thereby distinguishing the invention over the cited art.

The Office action asserts that Gundewar teaches exit and enter conditions of processes, i.e., links, may include milestones. However, while Gundewar may teach certain aspects about milestones of a sort, neither Gundewar nor any other of the teachings cited in the Office action suggest the specifically claimed aspect of the present invention concerning milestones that is set out in independent claims 1, 6, 10, 15 21, 22 and 24. That is, none of the teachings suggest designating selected sets of sequentially-linked ones of the processes as respective process streams and designating planning milestones for ones of the outputs having links spanning across two or more of the process streams, as claimed. Moreover, the independent claims as now amended even more particularly state that the selected sets of sequentially-linked ones of the processes *are assigned to selected project teams*. The planning milestones are for outputs having links spanning across at least two of these process streams that are assigned to selected project teams. Thus, the claims now more clearly point out a feature that enables milestones to represent key dependencies among project teams. According to this feature of the invention, milestones are a useful, high level schedule control tool. Neither Gundewar nor any of the cited teachings relied upon suggest this novel and nonobvious feature of the present invention. For at least this reason the amended independent claims 1, 6, 10, 15 21, 22 and 24 and their respective dependent claims are patentably distinct.

09/657,497
Filed 09/08/2000

Atty Dkt: JP92000171US1
Reply A

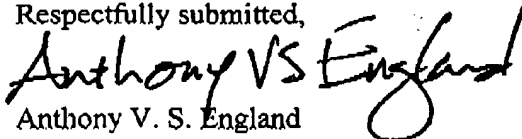
PRIOR ART OF RECORD

Applicant has reviewed the prior art of record cited by but not relied upon by Examiner, and asserts that the invention is patentably distinct.

REQUESTED ACTION

Applicant contends that the invention as claimed in accordance with amendments submitted herein is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of remaining claims 1, 2, 4-6, 8-11, 13-16, 18, 19 and 21-25 to issuance.

Respectfully submitted,



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